



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/750,982

01/02/2004

Tom Musolf

020824-003512US

5472

20350 7590 07/31/2008
TOWNSEND AND TOWNSEND AND CREW, LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO, CA 94111-3834

EXAMINER

HADIZONOOZ, BANAFSHEH

ART UNIT

PAPER NUMBER

3714

MAIL DATE

DELIVERY MODE

07/31/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/750,982	Applicant(s) MUSOLF ET AL.	
	Examiner Banafsheh Hadizonooz	Art Unit 3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 December 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 60-70 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 60-70 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Detailed Action

In response to the correspondence filed on 12/10/2007 claims 60-70 are pending.

Claims 1-59 have been cancelled. This office action is made **Non-Final**.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 60, 62-65 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lynch et al. (US 6,668,156) in view of Padgett (US 6,421,524) and further in view of Taylor et al. (US D436,100 S).

[Claims 60]: Regarding claims 60 Lynch discloses a platform comprising a surface and a display screen (e.g. the touch sensitive screen)(See Fig. 4); a print medium suitable for placement on the surface (See Fig.11), a plurality of electrical elements in the platform and under the surface (See Col.5, 29-45); a microprocessor coupled to the plurality of electrical elements and codes for controlling the functionality of print media receiving unit (See Col.4, 57-63 and Col.6, 8-15); Lynch does not specifically disclose memory for recording the user's voice, and code for playing it back. Lynch also does not disclose record/playback options. Padgett discloses an electronic talking book including an audio recording/playback option and memory to store user's voice (See Col.2, 38-58) and audio input and output means (See

Art Unit: 3714

Col.3, 29-34). Therefore, it would have been obvious to one of ordinary skill in the art to incorporate the features of Padgett's invention into the system and method of Lynch in order to design an interactive learning system.

Lynch/Padgett do not expressly disclose a microphone structure with head and neck portion that is fixedly attached to the platform. However, Taylor discloses an electronic sound book with a microphone that is fixedly attached to the platform (See Figs.2 and 3). Therefore, it would have been obvious to one of ordinary skill in the art to incorporate the features of Taylor into the system and method of Lynch/Padgett in order to design a system that is more child-friendly in that it doesn't allow the child to remove the microphone and loose it.

[Claim 62]: Taylor further discloses a recessed area for receiving the microphone in the platform (See Fig. 8).

[Claim 63]: regarding claim 63 Padgett further discloses record and playback print elements (See Abstract).

[Claim 64]: Lynch discloses a system wherein the platform is foldable (See Fig.9).

[Claim 65]: With respect to claim 65, Lynch further discloses that the print medium comprises print elements for a game or for a story (e.g. book) (See Col. 5, 16-29, Fig. 10).

Claims 61, 67 and 68 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lynch et al. (US 6,668,156) in view of Padgett (Us 6,421,524)

and further in view of Taylor et al. (US D436,100 S) and further in view of Arad et al. (5,679,049).

[Claims 61, 67 and 68]: Regarding claims 60 Lynch discloses a platform comprising a surface and a display screen (e.g. the touch sensitive screen)(See Fig. 4); a print medium suitable for placement on the surface (See Fig.11), a plurality of electrical elements in the platform and under the surface (See Col.5, 29-45); a microprocessor coupled to the plurality of electrical elements and codes for controlling the functionality of print media receiving unit (See Col.4, 57-63 and Col.6, 8-15); Lynch does not specifically discloses memory for recording the user's voice, and code for playing it back. Lynch also does not disclose record/playback options. Padgett discloses an electronic talking book including an audio recording/playback option and memory to store user's voice (See Col.2, 38-58) and audio input and output means (See Col.3, 29-34). Therefore, it would have been obvious to one of ordinary skill in the art to incorporate the features of Padgett's invention into the system and method of Lynch in order to design an interactive learning system.

Lynch/Padgett do not expressly disclose a microphone structure with head and neck portion that is fixedly attached to the platform. However, Taylor discloses an electronic sound book with a microphone that is fixedly attached to the platform (See Figs.2 and 3). Therefore, it would have been obvious to one of ordinary skill in the art to incorporate the features of Taylor into the system and method of Lynch/Padgett in order to design a system that is more child-friendly in that it doesn't allow the child to remove the microphone and loose it.

As for the feature of dummy microphone, Lynch/Padgett/Taylor do not disclose a dummy microphone. Arad discloses a toy telephone system wherein the peaker and the microphone are installed inside the base of the telephone system, and wherein the handset is only connected to the base by a non-electric wire and has no functionality (See Abstract and Claims 8 and 9). Therefore, it would have been obvious to one of ordinary skill in the art to incorporate the feature of Arad's invention into the system and method of Lynch/Padgett/Taylor in order to persuade the child to record his/her voice.

[Claim 69]: Lynch further discloses a memory device in the body storing code for audio outputs (See Col.6, 8-15).

Claim 66 is rejected under 103 (a) as being unpatentable over Lynch et al. (US 6668156) in view of Padgett (US 6421524) further in view of Taylor et al. (US D436,100 S) as applied to claim 60 above and further in view of Rothschild et al. (5,603,652).

[Claims 66]: regarding claim 66, Lynch/Padgett/Taylor do not expressly disclose LEDs in the microphone structure. Rothschild discloses a microphone structure with a light source on its structure for visual communication with the user (See Abstract and Col.2, 32-40). Therefore, it would have been obvious to one of ordinary skill in the art to incorporate the features of Rothschild's invention into the system and method of Lynch/Padgett/Taylor in order to design a system that is more attractive to children.

Claim 70 is rejected under 103 (a) as being unpatentable over Lynch et al. (US 6668156) in view of Padgett (US 6421524) further in view of Taylor et al. (US D436,100 S) and further in view of Arad et al. (US 5,679, 049) as applied to claim 67 above and further in view of Rothschild et al. (5,603,652).

[Claim 70]: Lynch/Padgett/Taylor do not expressly disclose LEDs in the microphone structure. Rothschild discloses a microphone structure with a light source on its structure for visual communication with the user (See Abstract and Col.2, 32-40). Therefore, it would have been obvious to one of ordinary skill in the art to incorporate the features of Rothschild's invention into the system and method of Lynch/Padgett/Taylor in order to design a system that is more attractive to children.

Response to Arguments

Applicant's arguments with respect to claims 60-70 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Banafsheh Hadizonooz whose telephone number is 571-272-1242. The examiner can normally be reached on 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on (571) 272- 6788. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

BH

07/25/2008

/Robert E Pezzuto/
Supervisory Patent Examiner, Art Unit 3714